UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,306	01/30/2004	Vijay Singh Phagura		4986

7590 02/20/2007	EXAMINER
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ART UNIT	PAPER NUMBER
2109	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

		Application No.	Applicant(s)
Office Action Summary		10/767,306	PHAGURA ET AL.
		Examiner	Art Unit
		Kishin G. Belani	2109

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01/30/2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>30 January 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities:

- In abstract, line 6, change "This" to – The –

- In paragraph 0014, change "Definations" to – Definitions –

- In paragraph 0027, add – of – before "these objects to translate"

- In paragraph 0028, change "then" to – than –

- In paragraph 0032, change "sever" to – server –

   Appropriate correction is required.

Claim Objections

Claim **14** is objected to because of the following informalities:

In claim 14 line 2, change "the server processes includes" to

– the server processes reside, includes –

   Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

Claims 3, 8, 13, and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites the limitation "the server processes" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "said EMS-agent" in line 1. There is insufficient antecedent basis for this limitation in the claim. Change the dependency of claim 8 from claim 2 to claim 7 in order to provide an antecedent basis for EMS-agent.

Claim 13 recites "means to support synchronous and asynchronous messaging", however, the recitation of "means to support" renders the claim indefinite because the specification does not set forth any structural elements or equivalents thereof that constitute said means to support.

Claim 14 is also rejected by virtue of its dependency on claim 13.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 12-15, and 17 are rejected under 35 U.S.C. 102(b) as being

anticipated by **Araujo et al. (U.S. Patent Application Publication # 2002/0032725**

A1).

Consider **claim 1**, Araujo et al. show and disclose an Element Management

System (EMS), comprising a system for managing elements of a communication

network without using SNMP (Fig. 1, CCC block 20 and SEP block 200; paragraph

0038, lines 1-10 which describe how SEP monitors operational status of its network and

reports any malfunction to Customer Care Centre (CCC block 20) through a web-based

connection; paragraph 0027, lines 23-29, paragraph 0028, lines 13-17, paragraph 0033,

lines 0001-0007, that describe the shortcomings of using SNMP protocol and how their

SEP invention overcomes those deficiencies).

Consider **claim 12**, Araujo et al. show and disclose an EMS, comprising a

system for managing elements of a communication network wherein the system uses

XML messages to communicate to the network elements (Fig. 1, CCC block 20 and

SEP block 200; paragraph 0038, lines 1-10 which describe how SEP monitors

operational status of its network and reports any malfunction to Customer Care Centre

(CCC block 20) through a web-based connection; paragraphs 0169-0172 that describe

the use of XML messages 1910 and 1960 by SEP 200 and service monitoring software

1050 that executes at CCC site 20).

Consider **claim 13**, and **as applied to claim 12 above,** Araujo et al. show and disclose that the EMS and the server processes have an encoder and a decoder and a means to support synchronous and asynchronous messaging (Figs. 23 which discloses processing of a "Get Profile" request that is a synchronous message and causes a profile to be returned (in Fig. 24) synchronously; Fig. 25 which discloses processing of a "Alarm Generated" message that is an asynchronous message, thereby disclosing that both types of messages are being processed; paragraph 0172, items 1955 and 1960 that disclose conversion of data from and to XML into and from WDDX hash structure(s), thereby disclosing a coder/decoder or codec means for XML message processing).

Consider **claim 14**, and **as applied to claim 13 above,** Araujo et al. show and disclose that the server on which the server processes reside, includes a message dispatcher to distribute the translated incoming messages to various server processes (Fig. 1, SEP block 200 and Servers block 70 which show the distribution of incoming messages to various server processes; paragraph 0082, lines 7-15 that describe the same details).

Consider **claim 15**, and **as applied to claim 1 above,** Araujo et al. show and disclose that the system has only one master database for non real-time data (Fig. 19, database of remote monitoring and management records (block 1980), which is the only master database shown and disclosed in paragraph 0173, lines 1-7).

Consider **claim 17**, and **as applied to claim 12 above,** Araujo et al. show and

disclose that the system has only one master database for non real-time data (Fig. 19,

database of remote monitoring and management records (block 1980), which is the only

master database shown and disclosed in paragraph 0173, lines 1-7).

Claims 2-11, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by

Davis et al. (U.S. Patent Publication # 6,260,062 B1).

Consider **claim 2**, Davis et al. clearly show and disclose an EMS comprising a

system for managing elements of a communication network wherein the system has a

means for directly calling the network elements (Abstract; Fig. 2; column 15, lines 1-5

which show and disclose an EMS block 202 including adapter blocks 220-229 in direct

contact with network elements 230-239).

Consider **claim 3**, and **as applied to claim 2 above**, Davis et al. clearly show

and disclose that the EMS and the server processes are separate processes (Fig. 2,

blocks 201-203; column 13, lines 22-32 which disclose Adapter Blocks 220-229

corresponding to server processes separate from EMS processes 210-213; column 16,

lines 27-35 that describe the EMS processes).

Consider **claim 4**, and **as applied to claim 2 above**, Davis et al. clearly show

and disclose an intermediate native library that the EMS and the server processes can

access (Fig. 2; column 5, lines 34-49; column 6, lines 1-10 which disclose making EMS

applications and services independent of the protocol used by individual network

elements by developing a core set of EMS messages in a common telecommunication

management message protocol that is accessible to both upstream EMS processes

210-213 and the downstream server processes 220-229).

Consider **claim 5**, and **as applied to claim 4 above**, Davis et al. disclose an

abstraction layer comprising two parts: one native to the EMS programming language

and the other native to the language of the server processes (column 13, lines 5-10 that

disclose providing a core set of downstream element-independent network

management messages to Upstream Agent 212 (an EMS process); and column 13,

lines 22-26 which disclose providing downstream element-dependent network

management messages to Adapter block 220 (a server process), thereby disclosing two

different abstraction layers, one for EMS processes and the other for the server

processes).

Consider **claim 6**, and **as applied to claim 5 above**, Davis et al. disclose that

the abstraction layer publishes an Interface Definition File (column 15, lines 41-50 that

disclose a method using table lookup to map a core set of downstream element-

independent network management messages to downstream element-dependent

network management messages, and vice versa, thereby disclosing an interface

between the two parts of the abstraction layer).

Consider **claim 7**, and **as applied to claim 2 above**, Davis et al. show and

disclose that the EMS process and the server processes are distributed on different

computers and the EMS has an agent on the server processes computer written in the

same programming language as the EMS (Fig. 5, network 601, blocks 611, 612, and

613 that show EMS processes 611 and server processes 612 distributed on different

computers with EMS agent (Adapter Block 612) on the server processes computer;

column 18, lines 45-60 which disclose that EMS may be distributed geographically to

manage network segments; column 19, lines 26-28 which disclose that if a single EMS

must manage a large number of NEs, then the EMS itself may be distributed over

several machines; column 15, lines 11-15 which disclose that each Adapter Block 220-

229 maps each received upstream element-dependent network management message

into an upstream network-independent network management message of the EMS

language).

Consider **claim 8**, and **as applied to claim 7 above**, Davis et al. show and

disclose that the EMS-agent is connected to the EMS with a TCP/IP connection (column

4, lines 62-66 which disclose that SNMP is a simple protocol for managing TCP/IP (or

the Internet-based) computer networks, thereby disclosing that EMS-agent can be

connected to the EMS with a TCP/IP connection).

Consider **claim 9**, and **as applied to claim 7 above**, Davis et al. show and disclose an intermediate native library that the EMS agent and the server processes can access (column 5, lines 40-49; column 6, lines 1-10 which disclose developing a core set of message library for both the downstream and the upstream message conversion that the EMS agent and the server processes can access).

Consider **claim 10**, and **as applied to claim 9 above**, Davis et al. show and disclose an abstraction layer comprising two parts: one native to the EMS programming language and the other native to the language of the server processes (column 13, lines 5-10 that disclose providing a core set of downstream element-independent network management messages to Upstream Agent 212 (an EMS process); and column 13, lines 22-26 which disclose providing downstream element-dependent network management messages to Adapter block 220 (a server process), thereby disclosing two different abstraction layers, one for EMS processes and the other for the server processes).

Consider **claim 11**, and **as applied to claim 10 above**, Davis et al. disclose that the abstraction layer publishes an Interface Definition File (column 15, lines 41-50 that disclose a method using table lookup to map a core set of downstream element-independent network management messages to downstream element-dependent network management messages, and vice versa, thereby disclosing an interface between the two parts of the abstraction layer).

Consider **claim 16**, and **as applied to claim 2 above,** Davis et al. show and

disclose that the system has only one master database for non real-time data (column

5, lines 40-49; column 6, lines 1-10 which disclose developing a core set of message

library as the only database for non real-time data for both the downstream and the

upstream message conversion).

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure:

US Patent Application Publication: 2005/0015476 A1,

inventor: Jeong et al., Filed: 11/10/2003

Any response to this Office Action should be **faxed to** (571) 273-8300

or mailed to:

> Commissioner for Patents
> P.O. Box 1450
> Alexandria, VA 22313-1450

Art Unit: 2109

Hand-delivered responses should be brought to

> Customer Service Window
> Randolph Building
> 401 Dulany Street
> Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Kishin G. Belani whose telephone number is (571) 270-1768. The Examiner can normally be reached on Monday-Thursday from 6:30 am to 5:00 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Rafael Perez Gutierrez can be reached on (571) 270-1767 or (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Kishin G. Belani
K.G.B./kgb

February 05, 2007

RAFAEL PEREZ-GUTIERREZ
SUPERVISORY PATENT EXAMINER
2/12/07